

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

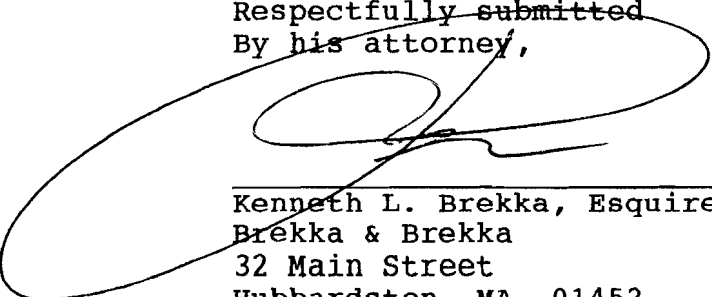
TRIAL COURT OF THE COMMONWEALTH
FRAMINGHAM DISTRICT COURT

DOCKET # 0049 CR 3006

| | | |
|-------------------------------|---|--------------------|
| COMMONWEALTH OF MASSACHUSETTS |) | |
| |) | |
| |) | MOTION TO PRESERVE |
| VS. |) | VIDEO SURVEILLANCE |
| |) | EQUIPMENT |
| |) | |
| MICHAEL ELBERY |) | |

Now comes the Defendant, MICHAEL ELBERY, in the above entitled matter and respectfully moves this Honorable Court to direct the Commonwealth and the owner and manager of the Mobil Gas Station located on Route 30 in Framingham with a mailing address of 696 Cochituate Road, Framingham, Massachusetts to preserve the video surveillance equipment used at the Route 30 Mobil Station on July 4, 2000 in order to allow the defendant to inspect and examine said evidence.

Respectfully submitted
By his attorney,

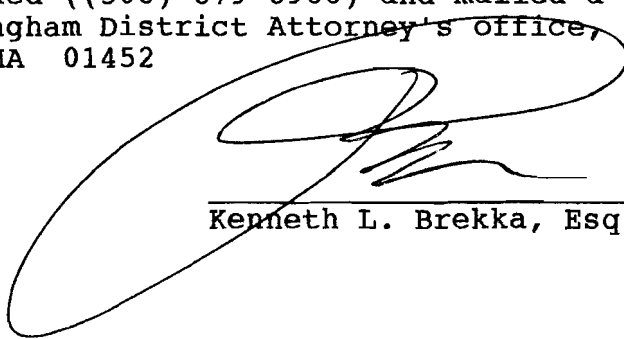


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BBO # 548299

Please take notice that the above motion will be called for hearing in the Framingham District Court on November 14, 2000 at 9:00 A.M.

CERTIFICATION:

I, Kenneth L. Brekka, hereby certify that on this 9th day of November, 2000 I faxed ((508) 879-8966) and mailed a copy of this motion to the Framingham District Attorney's Office, 100 Concord Place, Framingham, MA 01452



Kenneth L. Brekka, Esq.